

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
DECEMBER 16, 2019
CITY HALL ANNEX COUNCIL CHAMBERS
6:00 PM**

The Council of the City of Destin met in regular session with the following members and staff present:

Destin City Council

Mayor Gary Jarvis
Councilmember Steven Menchel
Councilmember Cyron Marler
Councilmember Prebble Ramswell

Councilmember Parker Destin
Councilmember Skip Overdier
Councilmember Rodney Braden
Councilmember Chatham Morgan

Destin City Staff

City Manager Lance Johnson
Public Info Manager Catherine Card
Code Compliance Manager Joey Forgione
Dep Parks/Rec Director Scott Berrish
Public Services Director Michael Burgess
Building Official Noelle Bell
City Land Use Attorney Kimberly Kopp

City Clerk Rey Bailey
Deputy City Manager Webb Warren
Finance Director Bragg Farmer
Principal Planner Lauren Witt
Planner Traci Goodhart
City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 PM; Pastor Steve Farris, First Baptist Church, gave the invocation; followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Councilmember Overdier requested that item 4E – *Sibert Parking Lot Improvements* - be pulled from the agenda so staff could do further engineering study on this item before they bring it back to Council.

Councilmember Braden asked that Consent Agenda item 6D be pulled for discussion.

Councilmember Menchel requested that Consent Agenda item 6F be pulled for further discussion.

Councilmember Destin requested that item 7F – *Gulf Power Project Manager* – be added to the agenda.

Motion by Councilmember Destin, seconded by Councilmember Menchel, to approve the agenda, with the above changes, passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

1. APPROVAL OF MINUTES

A. Approval of minutes of December 9, 2019 Special City Council Meeting

Councilmember Ramswell moved for approval of minutes of December 9, 2019 Special City Council Meeting was seconded by Councilmember Menchel and passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

B. Approval of minutes of September 16, 2019 Regular City Council Meeting

Motion by Councilmember Ramswell, seconded by Councilmember Marler, to approve minutes of September 16, 2019 Regular City Council Meeting passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

C. Approval of minutes of September 4, 2019 Regular City Council Meeting

Motion by Councilmember Overdier, seconded by Councilmember Ramswell, to approve minutes of September 4, 2019 Regular City Council Meeting passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

2. PROCLAMATIONS / RECOGNITIONS / **SPECIAL PRESENTATIONS / ANNOUNCEMENTS

A. Employee of the Year Award

The Mayor presented the award certificate and plaque to the 2019 Employee of the Year Nnamdi Ohamuo, of the Parks & Recreation Department.

B. 2019 Destin Christmas Parade Winners

The Mayor presented a plaque to the following 2019 winners of the 35th Annual Destin Christmas Parade:

Noel Award/Band Award: Fort Walton Beach High School and Destin Middle School Bands

Elf Award/Children Service: Food for Thought

Santa's Helper Award/Children Commercial: RISE Dance Center

Civic Club/Civic Award: Krewe of Bowlegs

Chamber Award/Commercial: AJ'S Seafood and Oyster Bar

Angel Award/Religious Award: Shoreline Church
Crowd Pleaser: Fort Walton Beach Mardi Gras Club – Queen Vivian Zack

C. Presentation on Naming the Florida Panhandle a National Heritage Area and Request for Support from the City of Destin

Mr. Mike Thomin, University of West Florida (UWF) Florida Archaeology Network, stated that a portion of the Florida Panhandle may receive a designation from the US. Congress as a National Heritage Area. Currently, there are 49 National Heritage Areas and the closest to the Florida Panhandle involves coastal Mississippi. National Heritage Areas are places where historic, cultural, and natural resources combine to form cohesive, nationally important landscapes. Significantly, a National Heritage Area can receive annual funding from the federal government, as well as technical assistance from the National Parks Service. The first step to National Heritage Area designation is to conduct a feasibility study, which includes steps such as defining the study area, assessing public involvement, compiling an inventory of assets and an assessment and evaluation of resources in the area. He is requesting a letter of support from the City of Destin for the proposed feasibility study and designation of a Florida Panhandle Maritime National Heritage Area.

Councilmember Ramswell moved to provide a letter of support for this initiative as requested by the presenter; seconded by Councilmember Overdier. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

3. PUBLIC COMMENTS ON AGENDA ITEMS THAT ARE NOT PUBLIC HEARINGS AND ANY OTHER MATTERS NOT ON THE AGENDA

Mr. Ed Rogers, Destin resident and business owner, noted that changes were already made to the livery vessel rental business last year; and that he agreed with a lot of those changes. But with more changes to follow, he feels they are being highly regulated by the City and it is getting very hard to obtain a license to operate the business. Among other things, they must prove they have insurance to include workers compensation, ADA-compliant bathrooms and show trash can locations. He continued that the problems are those who operate without a license and insurance; but instead of isolating and punishing the guilty parties the City is penalizing everybody. He stated that he has a highly trained staff. He has a small business but keeps his staff year-round and pay 100% of the healthcare costs. They also provide tuition assistance, which is why they only have one employee without a college degree. He also noted that since they opened in 2009, they have done 31,549 boat rentals without a single incident. He asked Council to allow members of his industry to have a seat on the table and be part of the discussion before they adopt any more changes to livery vessel requirements.

Councilmember Braden stated they are not picking on the livery vessel operators. They are not being asked to do anything more than what they are asking from the other businesses.

Mr. Rogers stated they all received a letter stating they cannot have their boats on the top side of their business. They have a pontoon rental business. They rent the boats all year, and at the end of the year they have to scrape, and bottom paint them and perform other maintenance on these

boats. It does not make sense that they are not allowed to do these things on lot that is closed for the season on the property that they own that is used exclusively for pontoon boat rental business. He also stated he has a property in Pensacola where he could take all his boats, but it is 1½ hours away.

Councilmember Destin stated that since this is happening during off season, it is not the same as somebody storing boats in their parking lot and the upland building is still open and taking away parking spaces from other businesses. It does not bother him to see boats being worked on in a fishing community like Destin as long as they are not interfering with parking spaces where cars need to park.

Ms. Karen Harbarger, a Destin resident, asked the Council to appoint a committee that would oversee Christmas decorations for the entire community. She also asked if there were any updates to the previous issue that she brought up relating to fly ash in concrete at the old CEMEX plant.

According to Mr. Burgess, they have received an initial report which mentioned the presence of fly ash at the former concrete plant. It referenced how much they had and the storage capacity they had on hand. It also listed the rates in which tons per hour and tons per day that they used as part of the mix.

Councilmember Ramswell asked if there is another test or some type of process they need to go through environmentally before they would build on that site because they have discussed allowing pets out in that area. In which case, it would be an issue if there is toxicity in the ground.

The City Manager noted they would not, as a municipality, be allowed to purchase any property if it had not passed required environmental tests. The FDEP would be in charge of the renovation project and they should be in compliance with their own guidelines.

The Mayor asked staff to send a letter to FDEP requesting additional testing of the CEMEX plant to satisfy concern about fly ash in concrete.

4. CITY MANAGER REPORTS

A. Repairs to Street Sweeper Payment Authorization

The City Manager explained that the original estimate to repair the street sweeper's body and vacuum components was \$14,882.92. After repair work began on the vehicle's undercarriage, additional repairs required to make the unit operational again were identified. The costs for these additional repairs were \$13,068.96. Repairs have been completed and the unit is back in operation. The final aggregated cost of \$27,951.88 exceeds the \$15,000 threshold and therefore requires Council's approval.

Councilmember Menchel noted the latest invoices are dated October 10, 2019. He asked why staff brought it to Council after the fact.

The City Manager explained that the work was completed before they received the invoices in October. It would still had been after the fact in October.

Councilmember Ramswell asked who authorized the company to perform the repair without Council's approval.

The City Manager stated it was the person who is no longer employed by the City.

Councilmember Morgan moved to authorize the City Manager to pay Ingram Equipment for repairs completed on the City's street sweeper in the amount of \$27,951.88; seconded by Councilmember Menchel. Motion passed 5-2 (Council members Morgan, Marler, Overdier, Menchel, and Ramswell voted "yes"; Council members Destin and Braden voted "no").

At this time, Councilmember Morgan moved to set aside the order of the day and delay discussion of agenda item 4B until later on in the meeting, seconded by Councilmember Braden. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

The next item discussed was agenda item 4C

B. Request for Direction from City Council Regarding Proposed Changes to Livery Vessel and Marine Construction Requirements.

City Planner Traci Goodhart provided the following presentation:

Harbor and Waterways and Harbor CRA Advisory Committee Recommendations to City Council

- Background:
 - ❖ The Community Development and Code Compliance Divisions collaborated to review the City's current processes related to Marine Construction Permit (MCP) review, the Harbor Board, and Livery Applications to address deficiencies and identify areas of improvements
 - ❖ Staff presented an overview of the findings to both the Harbor and Waterways and Harbor CRA-AC Board
 - ❖ As a result, staff presents to City Council the Harbor and Waterways and Harbor CRA-AC recommendations
- Harbor and Waterways Board Recommendations:
 - ❖ Issue: Currently, the submittal requirements for Marine Construction Permits (MCP) and Harbor Board application do not include enough detail
 - ❖ Recommendations:
 - Amend Article 11.05.02(J) – Removing language "if requested" and to include additional site plan requirements for MCP submittals. The Harbor Board and MCP applications should be revised to list all site plan requirements
 - Impact: Additional site plan requirements for MCP will ensure that all necessary information is provided to staff for review. In addition, adding the site plan requirements to both the Harbor Board and MCP application will provide transparency for the applicant

- ❖ Issue: Currently, there is no policy language governing upland cuts in 11.05.02 of the LDC. This could negatively impact adjacent property rights (i.e., riparian rights, encroachment, etc.)
- ❖ Recommendation:
 - Amend Article 11.05.02 of the LDC to include policy language for submittal requirements and review of upland cuts
 - Impact: Provides staff with policy language for review of proposed new upland cuts
- ❖ Issue: Currently, the Harbor Board reviews all new docks, boathouses, and boatlifts. However, new single-family dock permits that meet City LDC requirements take a minimum of 3 months for approval
- ❖ Recommendation
 - Amend Article 11.05.01 (B), to establish a threshold for permit applications that are reviewed by the Harbor Board, in which only single-family docks exceeding 1000 square feet and/or are within environmentally sensitive areas will require Harbor Board approval
 - Impact: The recommendation will expedite single-family dock permits that area under 1000 sq. ft. and meet the City's LDC requirements
- Harbor CRA Advisory Committee Recommendations:
 - ❖ Issue: There is no submittal requirement which provides staff with an inventory of all current and existing uses on a property
 - ❖ Recommendation:
 - Amend Section 13-144, to require a list of all current and existing uses on property to be submitted with application, to include:
 - List of all seasonal, current, and existing uses on property (i.e., size and quantity)
 - Requires notarized form of acknowledgement from property owner
 - Impact: This will help City staff gain a comprehensive understanding of the current and existing uses on property to include, verifying parking space requirements for all uses, not only livery vessels
 - ❖ Issue: There are not adequate definitions for all vessel types (i.e., charter, rental, private vessels) operating within the City of Destin. Staff requires clarification for determining parking requirements and zoning compliance
 - ❖ Recommendation:
 - Amend Article 3, LDC and Section 13-141, Code of Ordinances to include a general umbrella definition for passenger vessels, that includes charter, livery, commercial, recreational, and private marine passenger vessels
 - Impact: By defining charter, livery, commercial, recreational, and private marine passenger vessels under an all-encompassing definition, zoning compliance can be reviewed more efficiently, and a universal parking standard may be applied during the review process

- ❖ Issue: There is not enough specificity regarding the requirement for permanent bathrooms for use by livery vessel patrons
- ❖ Recommendation:
 - Amend Section 13-145(4), Code of Ordinances to include a requirement for permanent restroom facilities to meet and comply with the Florida Building Code for ADA accessibility
 - Impact: Restroom facilities used by livery businesses will be required to meet State ADA accessibility requirements
- ❖ Issue: There are no requirements in place which indicate what specifically should be included as a part of the parking plan that demonstrate compliance with Article 8, LDC
- ❖ Recommendation:
 - Amend Section 13-144(9), Code of Ordinances to include a list of requirements for submitted parking plans, drawn to scale, and submitted by property owner
 - Aisle and parking stall dimensions
 - Total number of dedicated parking spaces provided on property
 - Identify spaces used by all subject business on parking plan (i.e., restaurant, livery)
 - Use (i.e., customer or employee parking)
 - Impact: The additional requirements for submitted parking plans will allow City staff to verify parking and uses, in addition to creating uniformity for efficient review
- ❖ Issue: Parking standard requirements are not the same for all passenger carrying vessels (i.e., charter boats, livery, and personal watercraft)
- ❖ Recommendation:
 - Amend Article 8.06.04, LDC
 - Require all passenger vessels (newly defined) have the same parking standard to match the U.S. Coast Guard rated passenger capacity for marine vessels
 - One space up to 4 passengers
 - Require staff parking for livery vessels
 - One space per employee
 - Impact: Creates one universal standard for reviewing and confirming parking requirements for passenger vessels, regardless of the specific type
- ❖ Issue: Parking agreements that are submitted for other properties are not in a standard form, therefore the content included, the use and time periods vary from property to property. Additionally, staff has no way to determine if properties have more than one parking agreement per site
- ❖ Recommendation:
 - City staff to create a standard form for parking agreements submitted by the property owner to include:
 - Copies of all parking agreements on property
 - Total number and location of dedicated parking spaces being used

- Lease term
 - Notarized and recoded form of acknowledgment
- Impact: A standardized parking agreement will allow City staff to review the use of those parking spaces and for how long. In addition to, enforcing parking related non-compliance
- ❖ Issue: As part of a shared parking agreement, different businesses may utilize the same space during various operating hours (i.e., day or night). Currently, the Code Compliance Department has no way to enforce shared parking during site visits
- ❖ Recommendation:
 - Livery businesses will be required to distribute parking passes to patrons. As part of the livery application package, the applicant will provide a copy of the parking pass they intent to use for the season to the Code Compliance Division.
 - Impact: Requiring livery businesses to provide parking passes to patrons will allow the Code Compliance Division to verify parking agreements on-site
- ❖ Issue: The application currently includes an “Affidavit of No Changes” that is not a notarized document. These applications go through a less stringent review
- ❖ Recommendation:
 - Amend the livery application form, removing the “Affidavit of No Changes.” Property owners will be required to submit a detailed parking plan, all parking agreements for subject property, and a notarized form of acknowledgement for each year
 - Impact: Requiring applicants to submit a detailed parking plan, all parking agreements for the subject property, in addition to a notarized form of acknowledgement annually will help City staff review and verify seasonal, current, and existing uses and compliance with LDC requirements
- ❖ Issue: An applicant’s first stop to obtaining a livery vessel permit is a Business Tax Receipt (BTR). There is a misconception among members of the public that once you have received your BTR, the City has approved the use and business
- ❖ Recommendation:
 - Change the review process so that a livery vessel application is reviewed in the following order:
 - Code Compliance – receives application package, completeness review
 - Planning – parking and BTR review
 - Code Compliance – parking verification inspection
 - Building – confirms proper facilities, issues BTR
 - Code Compliance – permit issuance and final inspection (decal placement)
 - Impact: A livery application review will be more efficient. The application will be reviewed for parking requirements prior to the issuance of the BTR

- ❖ Issue: There is no current inventory of all existing livery vessel rental operators within the City of Destin
- ❖ Recommendation:
 - Annual inventory to be conducted by the Code Compliance Division
 - An inventory was conducted from May – October 2019:
 - Physical inspections of rental locations found:
 - 19 businesses
 - 276 pontoons
 - 228 Jet Skis
 - 140 violations discovered; all brought into compliance
 - Verification through the Harbor Capacity Study
 - Ending federal funding

Councilmember Braden moved to direct staff to proceed with drafting the appropriate ordinances related to Marine Construction Permit review, the Harbor Board Application, and Livery Registration for Council review; seconded by Councilmember Ramswell.

Councilmember Ramswell asked what sort of follow up is in place to ensure application moves from one division of the City to another during the review process without delay.

Principal Planner Lauren Witt noted that all the divisions conducting the review are located within the same facility. Currently, once a division completes their review, they notify the Code Compliance Division and then hand delivers the application to the next reviewer. She also stated that once the new systems software is implemented, all of these reviews can be done simultaneously.

Councilmember Marler stated that he agrees with some of the issues but disagrees with the others. By implementing some of these new regulations, they would put a lot of livery businesses out of business which could result in litigations.

Having no further comments from the Council, the Mayor called for a vote on the motion, which passes 6-1 (Council members Morgan, Destin, Overdier, Menchel, Ramswell and Braden voted “yes”; Councilmember Marler voted “no”).

Following this item, Council moved on to agenda item 4D

C. Engineering Update - Crosstown Connector

According to the City Manager, the estimated engineering for this project exceeds \$200,000; and that Florida Statute requires projects over \$200,000 to have their own Request for Qualifications process undertaken by municipalities. Based on the City Attorney’s opinion, staff will prepare and advertise a Request for Qualification to design the roadway and other associated activities required to complete this project. He also stated that no budget has been established for this project.

Councilmember Morgan noted that the crosstown connector was fully budgeted and was going to be built as a two-lane road; but it had a median that could convert it to a 4-lane road if a future Council decides to do so. He stated that they trust future Council to be responsible and careful enough in approving development on properties with conditional uses, but they do not trust a future Council to be responsible enough by keeping this road as a two-lane road; instead, they are willing to spend over \$200,000 on redesigning this road in order to make it more difficult to build a 4-lane road. He added that since they own 95% of the property and own all the rights-of-way needed to make the crosstown connector a 4-lane road, they would not be accomplishing much in a way of preventing future conversion of this road to a 4-lane road.

Councilmember Braden stated that previous staff had the design changed to where it could be converted to a 4-lane road and the Council at the time approved it without question. He added he would not want to present it to the public as a 2-lane road only to have it converted into a 4-lane road sometime in the future.

Councilmember Morgan stated he would support a Council's decision not to build the crosstown connector, but he would support spending any more money redesigning it.

Councilmember Overdier stated that he echoes Councilmember Morgan's sentiments, and that he too would not support spending more money to redesign the road. He recommends going back to the original plan.

Councilmember Marler stated that traffic on US Hwy 98 is not going to improve; and that he considers the crosstown connector a way for residents to get from one place to another without having to suffer through heavy traffic especially during the 100 days of summer.

Councilmember Menchel moved to authorize the City Manager to publish a Request for Qualifications for Design Services to designing a two-lane facility between Beach Drive and Benning Drive and to bring back a recommended firm from the respondents for the Council to consider. Councilmember Braden provided a second to the motion.

Councilmember Ramswell stated that it is very insulting to her and everyone else's intelligence to repeatedly try to convince them the crosstown connector is a 2-lane road. She stated that she furnished the rest of the Council, City staff and other members of the public copies of the document that specifically states the crosstown connector will be a 4-lane road. It was to be accomplished in two phases: Phase 1 involves the 2 lane, and Phase 2 was the completion that made it a 4-lane road. There have been multiple other documents that have surfaced with that exact language since that time.

Councilmember Marler pointed out that Phase 2 cannot be activated without Council's approval; and that future Council can do exactly what this present Council is trying to stop. He also stated that previous staff was not responsible for changing the plan to be able to convert the road to 4-lanes. A previous Council wanted a 2-lane plan with the possibility of Phase 2 being a 4-lane road.

Councilmember Ramswell offered a substitute motion to take no action at this point; seconded by Councilmember Morgan.

Councilmember Menchel stated that the charge may not be as high if they go back to the original firm to redesign the road; adding they may want to consider instructing the City Manager to get a cost estimate from them.

Motion passed 6-1 (Council members Morgan, Marler, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Destin voted "no").

Councilmember Morgan moved to direct the City Attorney and Land Use Attorney to look at the City's rights-of-way acquisitions to come up with a solution to keep the crosstown connector road at two lanes; seconded by Councilmember Overdier. Motion passed 6-1 (Council members Morgan, Destin, Marler, Overdier, Menchel, and Ramswell voted "yes"; Councilmember Braden voted "no").

Following this item, Council discussed agenda item 4B

D. Airport Road Update - Barrier Options and Cost Estimates

The City Manager noted that the City Council has requested that a temporary guardrail system or equivalent be installed on the curve on Airport Road. Staff recommends that Volkert Engineering be tasked with this project. Staff has received quotes for the design and estimated costs for the guardrail and low-profile barrier systems from Volkert Engineering. The total estimate for the low-profile barrier to include engineering and installation costs is approximately \$198,000. The total estimate for the guardrail system is approximately \$98,000.

Councilmember Menchel asked whether they have to automatically engage their continuing services or could they try to put this project out to bid.

The City Manager noted that they vetted their contractors in accordance with State Statute for their qualifications and try to obtain Council's permission to negotiate with them first. He added they usually go by the qualifications of their continuing services contractor for the engineering portion of the project, but they could definitely go back out to bid for the actual installation of the system.

According to Councilmember Ramswell, it was reported there needs to be a 12-foot clearance in order to do the cabling system, and that it would require maintenance. She asked why they rule this out for the median section since it is cheaper than the guardrail. Granted there is not a 12-foot clearance on the northern side, but they are not planning on keeping this system indefinitely to worry about repeated maintenance.

Mr. Burgess stated they did not ask the contractor to consider a split approach, with the guardrail on one side and cables on the other side. They asked them for their best engineering estimate for cost associated with the temporary guardrail system and the low-profile barrier.

Councilmember Ramswell noted that reading through the minutes of a Council meeting that was held July 6, 2010, when it was presented to Council that they needed to do some sort of barrier system, the City Engineer at the time stated that this was not a City issue. It is the County's

responsibility, and that the County would need to pay for it. A similar statement appeared in the minutes of a 2011 meeting. She asked staff to check on the validity of the previous City Engineer's statement, as documented in the July 6, 2010 meeting minutes, that installing a guard rail system on the curve of Airport Road was the County and not the City's responsibility.

The City Manager noted it was originally a County road, and that he was not sure of the date the City officially took over that road or if the County still has partial responsibility. However, he would have staff investigate this matter.

Councilmember Overdier moved to authorize the City Manager to negotiate with Volkert Engineering to perform such work as to provide a design for a guardrail system on both the northern section of the curve of Airport Road and within the median and bring back a task order and funding source for Council approval. Councilmember Menchel provided a second to the motion, which passes 6-1 (Council members Morgan, Destin, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Marler voted "no").

E. Sibert Parking Lot Improvements

Item Pulled from the agenda.

F. 2019 Financial Report 4th Quarter

The Finance Director provided a summary of the 4th Quarter Financial Report for 2019.

G. Code Compliance Evening Shift

According to the City Manager, the Code Compliance Division is seeking Council's approval to hire two additional Code Compliance officers to allow for extended patrols during evenings and on weekends. Staff is also requesting the funding to replace one patrol truck that is 20 years old.

Councilmember Menchel noted that the day shift schedule is 6:00 AM to 3:00 PM, and the evening shift is 3:00 PM to 12:00 PM. He stated that stopping at mid-night is not good enough because of short-term rental issues that occur after midnight. He asked if it would be feasible to have a 6:00 PM to 2:00 AM shift rather than a 3:00 PM to 12:00 PM shift.

Code Compliance Manager Joey Forgione stated that he could study it as they move into the new schedule and make some adjustments to the schedule if necessary.

Councilmember Menchel moved to direct the City Manager to hire additional personnel for the Code Compliance Department to cover an evening shift in the amount of \$135,222.00 and to include the purchase of a replacement vehicle not to exceed Governmental contract price of \$29,000.00 and make the appropriate budget amendment using short-term rental registration as the funding source. Councilmember Ramswell provided a second the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

H. Announcements

City facilities will be closed on December 24th and 25th, and on January 1st in observance of the holidays.

5. PUBLIC HEARINGS

- A. Second reading of Ordinance 19-34-LC relating to changes to the Zoning Map, which changes the zoning of one parcel from Residential, Office Institutional Tourist Development (ROI-TD) to Commercial General (CG)

The City Attorney read proposed Ordinance 19-34-LC by title, and then presented it to the City Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE OFFICIAL ZONING MAP AS REFERENCED IN THE LAND DEVELOPMENT CODE, SECTION 7.12.01(A)2 ZONING MAPS TO INCLUDE A CHANGE IN THE ZONING DESIGNATION OF THE PROPERTY DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM RESIDENTIAL, OFFICE AND INSTITUTIONAL-TOURIST DEVELOPMENT (ROI-TD) TO COMMERCIAL GENERAL (CG); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none, the Mayor closed the public hearing and turned the matter over to the City Council for discussion and consideration.

Motion by Councilmember Overdier, seconded by Councilmember Marler, to approve Ordinance 19-34-LC on second reading passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

- B. Second reading of Ordinance 19-35-LC relating to changes to the Zoning Map, which changes the zoning of one parcel from Bay Estates (BE) to Recreation (REC)

The City Attorney read proposed Ordinance 19-35-LC by title, and then presented it to the City Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE OFFICIAL ZONING MAP AS REFERENCED IN THE LAND DEVELOPMENT CODE, SECTION 7.12.01(A)2 ZONING MAPS TO INCLUDE A CHANGE IN THE ZONING DESIGNATION OF THE PARCEL DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM BAY ESTATES (BE) TO RECREATION (REC); PROVIDING FOR AUTHORITY; PROVIDING FOR

FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none, the Mayor closed the public hearing and turned the matter over to the City Council for discussion and consideration.

Councilmember Overdier moved to approve Ordinance 19-35-LC on second reading; seconded by Councilmember Menchel. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

C. Second reading of Ordinance 19-36-LC relating to the creation of a "lot split" procedure, which is an addition to the subdivision of land procedures as laid out in Article 2 of the Land Development Code

The City Attorney read proposed Ordinance 19-36-LC by title, and then presented it to the City Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING ARTICLE 2 OF THE LAND DEVELOPMENT CODE; PROVIDING PROCEDURES FOR LOT SPLITS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none, the Mayor closed the public hearing and turned the matter over to the City Council for discussion and consideration.

Motion by Councilmember Menchel, seconded by Councilmember Overdier, to approve Ordinance 19-36-LC on second reading passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

E. Second reading of Ordinance 19-37-LC amending relating to the consolidation of the Residential, Office, Institutional General Development (ROI-GD) and Residential Office, Institutional Village Residential (ROIVR) zoning districts.

The City Attorney read proposed Ordinance 19-37-LC by title, and then presented it to the City Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING ARTICLE 7 OF THE LAND DEVELOPMENT CODE TO ELIMINATE THE RESIDENTIAL, OFFICE AND INSTITUTIONAL-GENERAL DEVELOPMENT ZONING DISTRICT (ROI-GD) AND CONSOLIDATE IT WITH THE RESIDENTIAL, OFFICE AND INSTITUTIONAL-VILLAGE RESIDENTIAL ZONING DISTRICT (ROI-VR); AND TABLE 7-3 SCHEDULE OF DIMENSIONAL REQUIREMENTS PROVIDING FOR; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION

INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none, the Mayor closed the public hearing and turned the matter over to the City Council for discussion and consideration.

Councilmember Overdier moved for approval of Ordinance 19-37-LC on second reading; seconded by Councilmember Menchel. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

F. Second reading of Ordinance 19-38-LC relating to the use of wheeled vehicles on public and private areas of the beach, which amends Section 11.08.02 of the Land Development Code.

The City Attorney read proposed Ordinance 19-38-LC by title, and then presented it to the City Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO THE USE OF WHEELED VEHICLES ON PUBLIC AND PRIVATE AREAS OF THE BEACH; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AN AMENDMENT TO ARTICLE 11 OF THE LAND DEVELOPMENT CODE PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none, the Mayor closed the public hearing and turned the matter over to the City Council for discussion and consideration.

Councilmember Menchel moved for approval of Ordinance 19-38-LC on second reading. Councilmember Overdier provided a second to the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

F. Innerlight Engineering Corporation, on behalf of Legacy Properties of Northwest Florida, LLC is requesting approval of Final Plat for a Major Subdivision identified as “Tuscan Village.” The proposed development consists of 86 townhome units. The proposed project is generally located west of Mattie M. Kelly Boulevard, addressed as 500 Mattie M. Kelly Boulevard. The total site area is 7.81 acres, more or less. The preliminary plat and development order were approved by City Council on May 20, 2019.

The City Attorney sworn in the following individuals for testimony:

Lauren Witt, Principal Planner for City of Destin

The Land Use Attorney requested that the staff report be submitted into the record as Staff Exhibit A.

The Mayor admitted the items into the record.

The Mayor opened a public hearing to receive comments for or against the proposed development. Having none, the Mayor closed the public hearing and turned the matter over to the City Council for discussion and consideration.

Motion by Councilmember Overdier, seconded by Councilmember Ramswell, to approve the Final Plat for the Major Subdivision identified as "Tuscan Village" passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

6. CONSENT AGENDA

- A. Draft Minutes of Standing Committees/Board Meetings
- B. 2019 New Year's Eve Harbor Boardwalk Special Event Co-Sponsorship
- C. Reimbursement to Councilmember Skip Overdier for expenses incurred while attending the 59th Annual Legislative Conference in Orlando, Florida, from November 13-15, 2019
- D. Development Review System Software Update
- E. Request approval for a new single-family marine construction project at 3917 Indian Trail. Project consists of +/- 79 LF of dock, a boathouse with one (1) 3' x 32' catwalk, and boatlift.
- F. Resolution No. 19-29, Interlocal Agreement with the Destin Fire Control District for Beach Safety Services and Lifeguard Services

Motion by Councilmember Destin, seconded by Councilmember Ramswell, to approve Consent Agenda items 6A, 6B, 6C and 6E passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

Referring to Consent Agenda item 6D – *Development Review System* - Councilmember Braden asked if the City was still working with the County Property Appraisal on this process or whether they have past that stage.

According to the Deputy City Manager, the City is continuing to work with the County on this process because as they are going through this process, they want to make sure they continue to be in sync with the County as they move forward with this technology.

Motion by Councilmember Ramswell, seconded by Councilmember Destin, to approve Consent Agenda item 6D passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

Referring to Consent Agenda item 6F – *Resolution 19-29*, the City Attorney explained this resolution is being updated because the Destin Fire Control District wanted to add a provision in it that would include providing safety services for Norriego Point in addition to beach safety services they are already providing the City; and that the County would pay for it.

Councilmember Menchel asked if they have ever done an audit of this contract.

The City Manager replied that to his knowledge, they have not done an audit with the Destin Fire Control District.

Councilmember Menchel noted that page 10 of the Scope of Services discusses a social media page that proactively updates the current beach flag. He asked if the City is aware that it does not exist.

According to the City Manager, he was not aware of it.

Councilmember Menchel asked if they have received a detailed comprehensive report from the Destin Fire Control District this year.

The City Manager noted that the Destin Fire Control District provided some statistical data for this year.

Councilmember Menchel expressed concern there are a lot of information in the Scope of Services that are not being verified by the City.

Councilmember Ramswell stated this is an item that should be included in their proposal to the County for the extra 10% TDC funding for first responders before TDC prepares their next budget.

Motion by Councilmember Menchel, seconded by Councilmember Overdier, to approve Consent Agenda item 6F passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

7. COMMENTS/PRESENTATIONS FROM MAYOR, COUNCIL, LAND USE ATTORNEY AND CITY ATTORNEY

A. Councilmember Braden

1) 302/288 Harbor Blvd

Councilmember Braden stated that he had met with the applicant and learned it had taken several months to get his docks permitted, and that he was not informed by the City throughout the entire process that there was a fee involved. He continued that since the City will be receiving 15 transient boat slips with this property, he recommends waiving those fees.

Councilmember Braden moved to waive the NPEB fees on 302 and 288 Harbor Blvd; seconded by Councilmember Menchel.

The City Attorney noted there is a specific code language that requires the 25% NPEB fee to be paid; and that he does not see any method for the City Council to be able to waive that fee.

According to Building Official Noell Bell, there is a way to mitigate the fee, and that they have a policy in place they could use to mitigate the cost of the NPEB fees.

The Mayor asked whether the transient slips being offered by the applicant can be considered in the mitigation process.

Ms. Bell noted it is not currently written that way in the current policy; but it is something that can be discussed.

Councilmember Destin stated there is a net benefit for the City by virtue of the marina itself, which is the 12-15 transient slips. If these slips are going to be transient forever, the applicant cannot earn an income from these slips; but they could earn the City and the public well above the NPEB fee amount the applicant is being charged for within the first year alone. For this reason, they should be able to mitigate the NPEB fee down to zero.

Councilmember Morgan agrees that with the transient slips the City will be getting, the NPEB fee should be reduced to zero.

According to the Land Use Attorney, there are specific mitigation factors that can be considered. She recommends that these mitigating factors be codified because having them as a separate policy outside of the code is not the best practice. Also, if the Council finds that the 25% NPEB fee is too high, they could get that reduced at the same time through a code amendment.

Councilmember Braden withdrew his motion.

It was the consensus of Council to allow staff to evaluate several mitigating factors, and a list of credits and exemptions in a written, uncoded policy that could apply in this case.

Next, Councilmember Braden asked the City's attorneys to look into the feasibility of leasing out the entire parking lot area on the west side of the Marler Bridge where the Welcome to Destin sign is located.

B. Councilmember Ramswell

Councilmember Ramswell announced that the progress on Destin High School continues. It is now opened for application for grades 9 and 10 for the coming year.

C. Councilmember Menchel

1) Nomination of Mr. Richard Hickey for membership to the Public Works/Safety Committee

Motion by Councilmember Menchel, seconded by Councilmember Marler, to appoint Mr. Richard Hickey to the Public Works/Safety Committee passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

Councilmember Menchel noted they discussed the generator at the Sheriff's Office, and he asked staff to find out if the City paid for it.

According to the Finance Director Bragg Farmer, he looked at the last two years invoices for the generator at the Sheriff's Office. There were 3 charges with the latest being in July when it

was stated that the generator was inoperative and would have to be replaced. There have not been any charges since then.

Councilmember Menchel inquired as to the status of the blinking light at US Hwy 98 and Triumph Road that is serving no purpose.

According to Mr. Burgess, he contacted Metric Engineering, the company in charge of the widening of US Hwy 98 and was informed that the light will stay on flash until it is ready to go into full service.

Councilmember Menchel stated that the lane has been shifted to the new section and the flashing light is creating a slowdown.

Councilmember Menchel inquired about the list of Feline Friends of Destin feeding locations that he previously requested. He asked if staff has followed up and determine if the food is being removed at night.

According to the Deputy City Manager, they worked with Feline Friends months ago and they provided the City a list of feeding locations. They have included in the contract to raise the station when possible to get them out of the way of other predators or other animals. They have worked with Feline Friends to accomplish that; and they also made it part of the contract to have the food removed before dark.

Councilmember Menchel asked staff to keep on track of the additional TDD money for the Sheriff's Contract.

Councilmember Menchel inquired as to the status of body cams for Code Compliance officers.

Mr. Forgione stated they are quite expensive and so they are looking at Amazon for cheaper prices. He added they would have to build policies and procedures governing body cams.

Councilmember Menchel asked if staff has determined how much money APT owes back to the City.

According to the City Manager, APT owes the City less than \$1,500.

D. Councilmember Overdier

E. Councilmember Marler

1) Ordinance establishing that short-term rentals constructed in the future must comply with commercial building code.

Councilmember Marler moved to direct staff to draft an ordinance establishing that single-family dwelling that are used as short-term rentals comply with the Florida Building Code for commercial buildings; seconded by Councilmember Destin. Motion passed 7-0

(Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

There was a consensus of Council to allow Councilmember Marler to work with staff to seek contractors that would assist the City in purchasing, installing and storing Christmas decorations on US Hwy 98 beginning next year.

F. Councilmember Destin

1) Gulf Power Project Manager

Councilmember Destin moved to direct staff to put out an RFQ for the Gulf Power Project Management position; seconded by Councilmember Morgan. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

Finance Director to bring back potential funding sources for the undergrounding project for discussion at the next Council meeting.

G. Councilmember Morgan

H. Mayor Gary Jarvis

I. Land Use Attorney

1) Discussion regarding Pointe Mezzanine's request for mediation in pending lawsuits.

The Land Use Attorney requests authorization from the Council to work with the legal counsel for Pointe Mezzanine to select a third party mediator that is acceptable to both the City and Pointe Mezzanine to discuss the two pending litigations with the main focus on the land use issues. They may decide to abate the public records lawsuit so that they may focus on the land use issues.

Councilmember Menchel moved to authorize the Land Use Attorney to work with the legal counsel for Pointe Mezzanine to select a third-party mediator that is acceptable to both the City and Point Mezzanine to look at the public records and land use litigations; seconded by Councilmember Braden.

Councilmember Marler announced he would abstain from voting as he is employed by Pointe Mezzanine for another project.

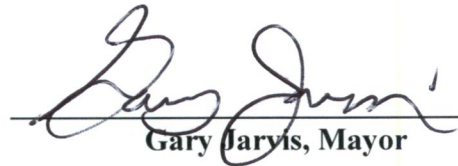
Motion passed 6-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Marler abstained from voting).

2) Request direction for accessory use structure within the City of Destin

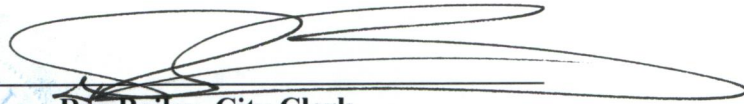
It was the consensus of the Council to allow staff to prepare an ordinance allowing accessory dwelling unit as a subordinate use to the principal dwelling in a residential zoning district.

J. City Attorney

Having no further business at this time, the meeting was adjourned at 9:15 PM.


Gary Jarvis, Mayor

ATTEST:


Rey Bailey, City Clerk

